

GOVERNMENT OF TELANGANA
A B S T R A C T

Public Services -Scheduled Caste Development Department – Disciplinary action initiated under rule 20 of APCS (CC&A) Rules 1991 against Sri A.Bala Krishna, Assistant Social Welfare Officer (retired), Achampet, Mahabubnagar District – Orders passed by the Hon'ble Andhra Pradesh Administrative Tribunal – Implementation Orders – Issued

SCHEDULED CASTE DEVELOPMENT (SER.A2) DEPARTMENT

G.O.RT.No. 47.

Dated:06-08-2014

Read the following:-

1. From the District Collector(SW),Ranga Reddy district charge memo Procs.A1/1264/96-I, dt.30.06.1998
2. From the District Collector (SW), Ranga Reddy district, charge memo Procs.A1/1264/96-II-40, dt.21.12.2000
3. From the orders of Hon'ble APAT in OA No.6197/2013 and batch cases Dated. 30.9.2013
4. From the orders of Hon'ble APAT in O.A.No. 8145/2013 Dated 21.11.2013
5. From the Commissioner of Social Welfare, A.P., Hyderabad, Lr.Rc.No. F1/7688/2013, dt.7.3.2014

ORDER:

In the reference 5th read above, the Commissioner of Social Welfare, Hyderabad has informed that in disciplinary cases, the District Collector (SW), Ranga Reddy district has framed the article of charges against Sri A. Balakrishna, Hostel Welfare Officer, Social Welfare Boys Hostel, Maheshwaram, Ranga Reddy district, based on the Special Audit Report submitted by the Accounts Officer O/o the Commissioner, Social Welfare, Hyderabad towards excess drawal of diet charges for the years 1991-92 to 1994-95, and called for explanation of the charged officer. The charged Officer has submitted his explanation in the year on 24.7.1998 but no enquiry was conducted till now. He has requested for records for giving explanation as in the capacity of drawing officers of the said hostels, he has drawn several amounts under various heads and he do not remember exactly the figures alleged to have inflated at this length of time.

2. Commissioner of Social Welfare, A.P., Hyderabad has also stated that the CB, CID is investigating the case in Cr.No.13/96. The CB, CID had been requested for many times to return the hostel records for taking departmental action and also inform the stage of the case for taking further action. The connected records were not returned so far from CBCID and they could not take further action to finalize the case in spite of persuasion from O/o Deputy Director (SW), Ranga Reddy district. The individual has retired from Government Service on attaining the age of (58) years on superannuation. Further, the charged officer has approached the Hon'ble Andhra Pradesh Administrative Tribunal, and filed O.A.No.6197 of 2013 and in O.A.No.8145/2013 for release of retirement benefits with revised pay scales and arrears of pay.

P.t.o.

3. Commissioner of Social Welfare, A.P., Hyderabad has further stated that in the reference 3rd read above, the Hon'ble Tribunal, Hyderabad passed the following order in O.A.No.6197/2013 filed by Sri A.Balakrishna, Assistant Social Welfare Officer (retired), Achampet, Mahabubangar District and batch cases on 30.09.2013:-

"We have gone through the order of this Tribunal in O.A.No.6705/2012, Dt.11.10.2012 and satisfied that the subject matter of these OAs is squarely covered by the orders passed by this Tribunal in the above OA. In the result, the Impugned charge memos issued in Proceedings A1/1264/96-II-40, Dt.21.12.2000 in all the above OAs are hereby set aside. Further the applicants are entitled for all the consequential benefits arising thereof. Accordingly, all the OAs are allowed".

4. The Commissioner of Social Welfare, Hyderabad has further stated that in the reference 4th read above, the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.8145/2013 dt. 21.11.2013 filed by Sri A.Balakrishna, ASWO (Retd.) has made the following order :-

"the OA is allowed and the impugned charge memos issued in Procs.A1/1264/96-I, dt.30.06.1998 of the 1st respondent is set aside on the ground of inordinate delay in concluding the departmental enquiry and the applicant is entitled for all the consequential benefits."

5. Commissioner of Social Welfare, Hyderabad has requested the Government to issue necessary orders on the above (2) OAs, whether the orders issued by the Hon'ble Tribunal, Hyderabad in OA No.6197/2013, Dt.30.09.2013 & in OA No.8145/2013, Dated:21.11.2013 may be implemented, as the impugned charge memos are set aside by the Hon'ble Andhra Pradesh Administrative Tribunal and ordered that the applicant is entitled for all the consequential benefits arising thereof, and also the GP of Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad has opined that it is not a fit case for filing a WP.

6. Government, after careful examination of the entire proposal of the Commissioner of Social Welfare, A.P. Hyderabad and report of the District Collector, Ranga Reddy district, have observed that the charge memos issued to Sri A.Balakrishna, Assistant Social Welfare Officer (retired), Achampet, Mahabubangar District in O.A.No.6197/2013 and in O.A.No.8145/2013 are identical to the charge memo issued in O.A.No.6705/2012. Both charges are on excess drawal of diet charges. In view of the above and in view of specific observations of the Hon'ble Tribunal in its order dated 30.9.2013, any action to be taken in the matter should be consistent with the decision taken earlier as per the orders in O.A.No.6705/2012 filed by Sri G. Jayakar, Hostel Welfare Officer (Retired) Ranga Reddy district. The District Collector, Ranga Reddy vide letter dated 22.6.2013 addressed to the Accountant General, A.P. Hyderabad stated that as per the directions of Andhra Pradesh Administrative Tribunal in O.A.No.6705/2012 and the opinion of Government Pleader, Hon'ble High Court of Andhra Pradesh, Hyderabad the excess amount drawn to an extent of Rs.30,508/- may be recovered from the gratuity and full pension may be released to Sri G.Jayakar, Hostel Welfare Officer (Retired), Ranga Reddy district.

7. Government, after careful examination of the entire matter with reference to the recommendations of the Commissioner of Social Welfare, Hyderabad and taking into consideration of the report of the District Collector, Ranga Reddy district, have decided to implement the orders of Hon'ble APAT in OA No.6197/2013, Dt.30.09.2013 & in OA No.8145/2013, Dated:21.11.2013 filed by Sri A.Balakrishna, Assistant Social Welfare Officer (retired), Achampet, Mahabubangar District, duly recovering the misappropriated amount from the charged officer under sub-rule 7 of rule 9 RPRs, 1980 and also fixing up the responsibility to the concerned officials for not finalization of disciplinary proceedings against the charged officer within the stipulated time.

8. Accordingly, Government hereby implement the orders of the Hon'ble Andhra Pradesh Administrative Tribunal in OA No.6197/2013, Dt.30.09.2013 & in OA No.8145/2013, Dated:21.11.2013 filed by Sri A.Balakrishna, Assistant Social Welfare Officer (retired), Achampet, Mahabubangar District, duly recovering the misappropriated amount from the charged officer under sub-rule 7 of rule 9 RPRs, 1980 and also fixing up the responsibility to the concerned officials for not finalization of disciplinary proceedings against the charged officer within the stipulated time.

9. The Director, Scheduled Caste Development, Telangana, Hyderabad is requested to take further necessary action accordingly and furnish the compliance report to Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.T.RADHA
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Director, Scheduled Caste Development, Telangana, Hyderabad
The District Collector (SCD), Ranga Reddy district
Copy to:
The Joint Director (SCD), Ranga Reddy district
The Accountant General A.P., Hyderabad.
The District Treasury Officer, Ranga Reddy district
The Government Pleader for SW(S), APAT, Hyderabad.
The P.S. to Principal Secretary to Chief Minister.
The P.S. to Chief Secretary.
The P.S. to Principal Secretary (SCDD) (FAC)
SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER